

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESSE COGILL,

Plaintiff,

v.

JANNET NEWMAN, et al.,

Defendants.

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8:09CV209

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. Plaintiff Jesse Cogill (“Cogill”) has been given multiple opportunities to properly serve Defendant Jannet Newman (“Newman”), the only remaining Defendant. (See Filing Nos. [12](#), [52](#), and [81](#).) Recently, Cogill once again attempted to serve Newman, but summons was returned unexecuted on January 31, 2011. (Filing No. [85](#).) The record reflects that Cogill was notified by the Clerk of the court that summons was returned unexecuted by notice mailed to him on January 31, 2011, indicating that summons had been “returned unexecuted” because Newman was “not at [the] address listed.” (See Text Entry Dated January 31, 2011). To date, Cogill has made no additional attempt to complete service of process on Newman.

IT IS THEREFORE ORDERED that:

1. Cogill’s claims against Newman are dismissed without prejudice because Cogill failed to prosecute this matter diligently and failed to comply with the court’s orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 3rd day of May, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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